THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

DATED: 28-09-2005

WRIT PETITION.No.21067 OF 2005

Between:

P.Jay Kumar . . .Petitioner

And

The Asst. Secretary and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.21067 OF 2005

ORDER:

The petitioner purchased a vehicle bearing No.KA/03A-6009 from one Mr.N.P.Rama Chandra Naidu. The vehicle was registered with the second respondent and it is an Idle Contract Carriage. After obtaining the clearance certificate from the R.T.A., Chittoor, the petitioner approached the first respondent, Assistant Secretary, R.T.A., Somajiguda, for effecting the transfer. The request of the petitioner was not acceded to on the ground that the vehicle was not assigned the A.P., number and that a case

is pending against the vehicle, before this Court. The petitioner challenges the action of the first respondent in refusing to transfer the vehicle.

Heard, the learned counsel for the petitioner and the learned Government Pleader for Transport.

Two reasons were stated by the first respondent in refusing to register the transfer of vehicle in favour of the petitioner. The first one is that the vehicle was not assigned the A.P., number and the second is that a writ petition being W.P.No19553 of 2005 is pending in relation to the liability of payment of tax in relation to the vehicle. So far as the first ground is concerned, it needs to be observed that the second respondent ought to have ensured that the vehicle is assigned the A.P., number, before he registered the same in his office. For one reason or the other, the second respondent did not take that step. Once, he has issued a clearance certificate, it is no longer open to the second respondent to take any steps to assign the A.P., number. There is no prohibition in law for the first respondent himself to undertake that exercise, after the transfer is affected. For this purpose, the petitioner can be required to make necessary application for assigning the A.P., number.

As regards the second ground, it needs to be observed that the very grant of clearance certificate by the second respondent is subject to the outcome of W.P.No.19553 of 2005. If the first respondent entertains any doubt as regards this, he can insist on a separate undertaking to be given by the petitioner to meet the liability that may be fastened upon him, based on the orders that may be passed by this Court.

In that view of the matter, the writ petition is disposed of directing the first respondent to take necessary steps for transfer of ownership of the vehicle in question, subject to the condition that:

a. the petitioner shall file necessary application together with the challan

for assigning the A.P., Registration number.

b. the petitioner shall file an undertaking to the effect that he shall be personally liable to meet the liability that may be fastened against the vehicle, depending on the orders that may be passed in W.P.No.19553 of 2005.

c. there shall be no order as to costs.

_____

28.09.2005

Note: Issue C.C. by

tomorrow.

(B/o)

kdl